



## Editorial Memorandum:

### **Memo to the Next President: Let's Make Government Work for *All* of Us**

By [Robert Glicksman](#) and [James Goodwin](#)

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The most important lessons can be the hardest to learn. Sometimes they even take a crisis. One would hope that the sorry saga of Flint, Michigan's lead-poisoned water would be one such teachable moment, driving home the point that government has a vital role to play in protecting health and safety, and it has a demonstrated history of success when public servants are provided with adequate resources and shielded from political interference.

However, as we move into the heart of election season and the transition to the next presidential administration gets closer, it's unclear whether the nation will have a constructive conversation about public health, safety, and environmental protections and how to make government work for the American people instead of just the politically powerful or financially privileged. The debate so far suggests that the discussion will fall into long-standing government-bashing traps that seek to tear down our public structures, officials, and agencies instead of helping to ensure that those individuals and institutions work on behalf of all.

The good news is, there is a better way, and the Center for Progressive Reform is assembling a set of recommendations to help get us there – ones we encourage you to contemplate as you listen to the policy proposals coming from the conventions and candidates, and ultimately, the next president.

#### **End the Era of Bashing Government**

Anti-regulatory rhetoric may make for crowd-pleasing applause lines in certain circles, but as Flint and other human-driven disasters dramatically illustrate, it has not served our country well. The decades-long campaign against regulation and government helped set the stage for Flint and other messes, and it will continue to cause serious damage unless something changes.

That's where the next president comes in. As a nation, we can chart a different and better course in how we think and talk about regulation and government and the role they play in our society. With that in mind, the next president should include the following items on his or her to-do list:

- Articulate for the American people that our governing institutions provide the essential platform upon which we can work together to promote our values and provide for the welfare of all.
- Reaffirm the role of regulatory safeguards and standards as an essential component within the broader positive vision of government. Such safeguards are one of the vital tools that

government uses to ensure that we are all protected against harms we cannot tackle by ourselves, such as air pollution or contaminated food, and to hold individuals and corporations accountable when they put us in danger.

- Reject hackneyed anti-regulatory rhetoric and instead highlight [the compelling evidence that regulations work](#). Industry interests and their allies in Congress regularly disparage health, safety, and environmental rules and ignore their benefits. In just one example of effectiveness, the Environmental Protection Agency's Clean Air Act rules saved 164,300 adult lives in 2010 alone, and by 2020, they will save an estimated 237,000 lives each year.

While this rhetorical shift is important and long overdue, it is also crucial that the next president be prepared to match actions to words. Consequently, the next president should also commit to building a 21st century regulatory system, one that makes good on the promise of a positive vision of government by working to protect our health, safety, environment, and financial security.

### **Build a Regulatory System That Works for All Americans**

Executive action to safeguard the public is an important example of democracy in action. Indeed, the Constitution clearly charges the president with the responsibility of executing, implementing, and enforcing the laws our elected representatives write and pass, and regulations are but one concrete manifestation of how agencies fulfill this responsibility.

However, in its current form, the regulatory system has short-changed the landmark laws it is intended to breathe life into. More and more, it is rigged to advance the narrow interests of powerful corporations instead of the broader public interest. As it now stands, trade associations and other industry-funded groups dominate nearly every step of the rulemaking process from beginning to end. As a result, many important safeguards end up delayed, weakened, or completely blocked.

Because of this hobbled rulemaking process, agencies like the Environmental Protection Agency and the Food and Drug Administration are unable to carry out the statutory missions that Congress set out for them in landmark laws like the Clean Air Act and the Federal Food, Drug, and Cosmetic Act.

Put differently, the problem is systemic, and it therefore requires broad-based reform. To build a successful 21st century regulatory system, at least 12 essential features must be incorporated into its design. To that end, the next president should:

- Work to ensure that that each agency has adequate budgetary resources, equipment, and personnel to fulfill its statutory mission.
- Demand that Congress provide and muster public support for enhanced or updated legal authorities to better address any gaps in regulatory safeguards that relate to each agency's statutory mission.
- Press for enhanced or updated legal authorities to address any new and emerging threats that relate to each agency's statutory mission.
- Eliminate all unnecessary and burdensome analytical and procedural requirements that unduly delay agency action and waste agency resources.
- Appoint qualified experts with a demonstrated commitment to the public interest to relevant leadership posts within agencies.

- Preserve agency expert-driven discretion against interference from political officials within the White House.
- Promote regulatory decision-making that prioritizes public protections over narrow, private economic concerns, to the extent consistent with applicable statutory authority.
- Refuse to allow scientific uncertainty to serve as a justification for regulatory inaction in the face of significant threats of harm, to the extent consistent with applicable statutory authority.
- Strongly defend agency actions against political and other self-serving attacks.
- Enhance transparency measures for key decision points in the rulemaking process to guard against regulatory capture.
- Preserve individual access to the courts by vetoing legislation that cuts off the ability of citizens to sue corporations whose actions harm health, safety, or the environment and blocking efforts by regulatory agencies to preempt or block such lawsuits.
- Take affirmative steps to ensure that the opportunities for individuals, families, and small businesses to participate in the regulatory system are at or near parity with those enjoyed by large corporations and trade associations, including, when appropriate, measures to restrict or limit the participation of large corporations and trade associations.

The development of some of these features – such as improved budgetary resources – will require some legislative action. As such, they may not come to full fruition until political circumstances between Congress and the president permit. But for other items on this list, the next president can reasonably make a great deal of progress in relatively short order. The important thing is that the next president start the work as soon as possible, laying a solid and effective foundation for succeeding presidents to build upon.

Shortly after the conventions, the Center for Progressive Reform will expand upon these themes in a new paper, which will be posted to [the CPR website](#). In the meantime, you may find two of our recent blog posts useful as you craft pieces for your opinion pages related to the work that lies ahead for the next president of the United States. Those pieces are available at <http://bit.ly/29Dgihm> and <http://bit.ly/29LqEJx>.

We hope you'll have space and inclination to address these important issues on your editorial pages as the campaign develops.

If you have questions about these issues or our materials, please contact our communications director, Brian Gumm, at [bgumm@progressivereform.org](mailto:bgumm@progressivereform.org) or 202-747-0698, ext. 4.

Thanks so much for your consideration.

*Robert Glicksman is the J. B. and Maurice C. Shapiro Professor of Environmental Law at the George Washington University Law School and a member of the board of directors of the Center for Progressive Reform. James Goodwin is the Senior Policy Analyst at the Center.*

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